

**UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

SUZANNE ODDO,	)	
	)	
Plaintiff,	)	
	)	FILED: JULY 18, 2008
vs.	)	No. 08CV4089
	)	JUDGE ANDERSON
ASSET ACCEPTANCE, LLC,	)	MAGISTRATE JUDGE SCHENKIER
	)	
Defendant.	)	RCC

**PLAINTIFFS' VERIFIED COMPLAINT AND DEMAND FOR JURY TRIAL**

COMES NOW the Plaintiffs, SUZANNE ODDO ("Plaintiffs"), by and through their attorneys, KROHN & MOSS, LTD., and for Plaintiffs' Complaint against Defendant, ASSET ACCEPTANCE, LLC, allege and affirmatively state as follows:

**INTRODUCTION**

1. The United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (hereinafter "FDCPA"), to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged, and to promote consistent State action to protect consumers against debt collection abuses. (15 U.S.C. 1692(a) – (e)).

2. Plaintiffs, through Plaintiffs' attorneys, brings this action to challenge the actions of ASSET ACCEPTANCE, LLC (hereinafter "Defendant") with regard to attempts by Defendant, a

VERIFIED COMPLAINT

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debt collector, to unlawfully and abusively collect a debt allegedly owed by Plaintiffs, and this conduct caused Plaintiffs damages.

3. For the purposes of this Petition, unless otherwise indicated, "Defendant" includes all agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers of Defendant named in this caption.

#### **JURISDICTION AND VENUE**

4. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

5. Because Defendant maintains a business office and conducts business in the state of Illinois, personal jurisdiction is established.

6. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

7. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

#### **PARTIES**

8. Plaintiff is a natural person who resides in the City of Chicago, County of Cook, State of Illinois and are obligated or allegedly obligated to pay a debt and is a "consumer" as that term is defined by 15 U.S.C. 1692a(3).

9. Plaintiff is informed and believes, and thereon allege, that Defendant is a national company with a business office in the City of Chicago, County of Cook, State of Illinois.

10. Plaintiff is informed and believes, and thereon alleges, that Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

#### **FACTUAL ALLEGATIONS**

11. On or about June 8, 2008, Defendant had a civil complaint and summons served

upon Plaintiff's sister-in-law at an address that Plaintiff has not live at in at least 3 years. (See Exhibit A).

12. Plaintiff was first notified of such service, and of the allegedly outstanding account with Defendant, by her sister-in-law as Plaintiff had not been contacted by Defendant in the past.

13. Plaintiff's complaint is for the collection of an alleged debt originally owed to HOUSEHOLD BANK.

14. According to Defendant's attached exhibit to its civil complaint, Plaintiff has failed to make payment upon the alleged account as of June 18, 2002. (See Exhibit B).

15. The statute of limitations for open credit accounts in the state of Illinois is for 5 years. *See ILCS 5/13-205*.

13. Defendant's complaint, which was filed in 2008, is thus barred by the applicable statute of limitations.

14. On June 22, 2008, Plaintiff retained KROHN & MOSS, LTD., to be her legal representation in the present matter.

**COUNT I**  
**DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,**  
**(FDCPA), 15 U.S.C. § 1692 et seq.**

15. Plaintiff repeats, reallages and incorporates by reference all of the foregoing paragraphs.

16. Defendant **violated the FDCPA**. Defendant's violations include, but are not limited to the following:

a). Defendant violated the FDCPA § 1692c(b) when Defendant, through its agents and employees, served legal paperwork concerning the alleged debt owed to Plaintiff's sister-in-law.

b). Defendant violated the FDCPA § 1692e(2)(A) when Defendant, through its agents and employees, falsely represented the character and legal status of the alleged debt by filing a lawsuit that is barred by the statute of limitations.

c). Defendant violated the FDCPA § 1692e(10) when Defendant, through its agents and employees, used the deceptive tactic of filing a time-barred lawsuit against Plaintiff in attempts to collect upon the alleged debt.

d). Defendant violated the FDCPA § 1692f when Defendant, through its agents and employees, used unfair practices by filing a time-barred lawsuit against Plaintiff in attempts to collect upon the alleged debt.

17. As a consequence of Defendant's foregoing actions, Plaintiffs has suffered from stress, anxiety, and humiliation.

**WHEREFORE**, Plaintiffs respectfully pray that judgment be entered against the Defendant for the following:

18. Declaratory judgment that the Defendant's conduct violated the FDCPA.

19. Actual damages.

20. Statutory damages pursuant to the FDCPA, 15 U.S.C. 1692k.

21. Costs and reasonable attorney's fees pursuant to the FDCPA, 15 U.S.C. 1692k.

22. Any other relief that this court deems to be just and proper.

RESPECTFULLY SUBMITTED,

By: s/Gregory H Moss

[ ] Greg Moss; [ ] Scott Cohen; [ ] Eric Kaczander;

[ ] Aaron Radbil; [ ] Cassie Yates

Attorneys for Plaintiff

Krohn & Moss, Ltd.

5055 Wilshire Blvd., Suite 300

Los Angeles, CA 90036

**DEMAND FOR JURY TRIAL**

PLEASE TAKE NOTICE that Plaintiff, SUZANNE ODDO, hereby demands trial by jury in this action.

**VERIFICATION OF COMPLAINT AND CERTIFICATION**


STATE OF ILLINOIS)

Plaintiff, SUZANNE ODDO, says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, SUZANNE ODDO, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 6/30/08

  
\_\_\_\_\_  
SUZANNE ODDO,  
Plaintiff

**EXHIBIT A**

LawsuitFrom: Julie Sitko [julie@crowndevelopment.com]  
Sent: Friday, June 27, 2008 1:05 PM  
To: Suzanne T. Oddo  
Subject: Lawsuit

To whom it may concern:

I am advising you of the lawsuit documents that I accepted on behalf of Sue Oddo on 6/8/08. Please note that Sue has not resided at 862 Holly Way in Palatine, Illinois for several years.

If you have any questions or require additional information please contact me.

Sincerely,

Julie Oddo  
862 Holly Way  
Palatine, IL 60074  
773/842-9916

**EXHIBIT B**



**ASSET ACCEPTANCE LLC**

P.O. Box 909886  
Chicago, IL 60690

SUZANNE T ODDO  
862 E HOLLY WAY  
PALATINE IL 600741242

ACCOUNT NUMBER	CURRENT BALANCE
5440450057785135	\$2634.73
STATEMENT DATE	DUE DATE
JAN 15 2008	DUE
Payments received will be credited to your account	

PLEASE WRITE IN AMOUNT OF  
PAYMENT ENCLOSED

\$

**IMPORTANT:** PLEASE DETACH AND RETURN TOP  
PORTION OF STATEMENT WITH CHECK OR MONEY ORDER.

IF ADDRESS AS SHOWN ABOVE IS INCORRECT,  
PLEASE INDICATE CHANGE

ACCOUNT NUMBER
5440450057785135

DATE OF LAST PAYMENT
06/18/02

DATE	REFERENCE NO	ACCOUNT INFORMATION	BALANCE DUE
JAN 15 2008	31445837	BALANCE DUE ASSET ACCEPTANCE LLC, A LIMITED LIABILITY COMPANY ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, ASSIGNEE OF HOUSEHOLD ORCHARD BANK / P.O. Box 909886, Chicago, IL 60690	\$2634.73

DATE OF DELINQUENCY	PURCHASED ON	PRINCIPAL AMOUNT	INTEREST RATE
08/04/02	12/29/2006	\$2199.15	4.00%

SERVICE ADDRESS (IF APPLICABLE)	INTEREST DUE AS OF JAN 15 2008
	\$415.31

<p>FOR PROMPT CREDITING OF PAYMENTS, PLEASE SEND CHECK OR MONEY ORDER TO:</p> <p>ASSET ACCEPTANCE LLC P.O. Box 909886 Chicago, IL 60690</p> <p>OR CALL ONE OF OUR ACCOUNT REPRESENTATIVES AT:</p> <p>TOLL FREE 800-455-2554</p>	DUE DATE	MINIMUM PAYMENT
	DUE	\$2634.73
<p>SEND INQUIRIES TO:</p> <p>ASSET ACCEPTANCE LLC P.O. Box 909886 Chicago, IL 60690</p>		

THIS COMMUNICATION IS FROM A DEBT COLLECTOR



31445837